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Jackpile Reclamation Project

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December 10, 1991

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TO: Distribution

FROM: Jim Olsen, Jr., PE-Reclamation Project Manager

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SUBJ: "DRAFT" of Post-Reclamation Long-Term Monitoring Program

Attached is a "draft" of a proposed Post-Reclamation Long-Term Monitoring plan/program to be followed when all heavy earthwork and revegetation activities are completed.

Review/comments/suggestions are requested by **January 31, 1992**. Follow-up meetings on the comments received will be scheduled accordingly. Thank you for your attention to this matter.

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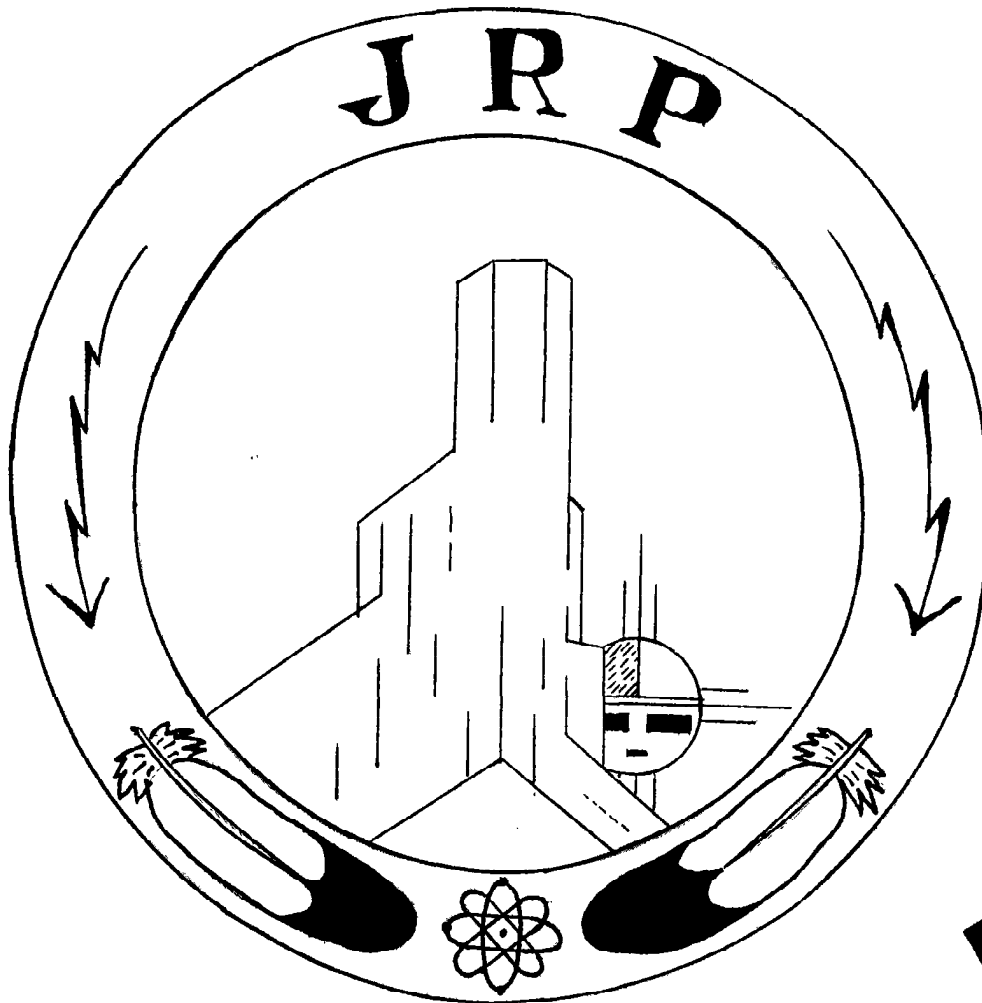
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POL-EPA01-0003624

Jackpile Reclamation Project
Pueblo of Laguna, New Mexico

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**POST-RECLAMATION
LONG-TERM MONITORING PROGRAM**

Prepared by: Reclamation Project Manager

For: The Pueblo of Laguna

JACKPILE RECLAMATION PROJECT

POST-RECLAMATION LONG-TERM MONITORING PROGRAM

Prepared by: Reclamation Project Manager for
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1.0. INTRODUCTION

This document is to serve as the management plan for the post-reclamation and long-term monitoring of the Jackpile Mine Site located on the Pueblo of Laguna, NM. The Record of Decision (Department of the Interior, 1986) specified a ten (10) year monitoring period upon completion of the heavy earthmoving and revegetation efforts on the Site. The monitoring period is to serve as a means of evaluating revegetation and stabilization success, ground water recovery, surface water/runoff changes, ambient radon gas changes, controlled grazing and other land uses; it will also provide opportunities to take early corrective actions or repairs needed as a result of erosion or other natural forces.

1.1 Post-Reclamation Project Goals & Requirements

The Jackpile Site is required to be monitored for a ten-year period following completion of the revegetation work. The revegetation effort will provide the long-term erosional stability of the site as well as provide an opportunity for controlled grazing (which is now being recognized as having positive impacts on the long-term health of the vegetation.) The monitoring period will also provide data for an evaluation of other potential land uses and identify/quantify any risks to the land users. It is required, however, that thru the ten year monitoring period that no grazing be allowed in the pit bottoms unless it can be demonstrated there are negligible risks to the users. Ground water recovery and/or changes in water quality in both the deep and alluvial wells will continue but the frequency of sampling and measurement can be reduced. Reduction of any meteorological data in connection with the ambient radon-222 measurements will be analyzed to model any potential exposures and compare these to the Environmental Impact Statement (EIS) predictions. Reporting by the Pueblo of Laguna (POL) to the various oversight & regulatory agencies (Bureau of Indian Affairs, Bureau of Land Management, etc.) will continue. Corrective actions needed on the site will be identified by the POL and contracted as necessary.

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1.2 Post-Reclamation Report Organization

Section 2.0 describes the post-reclamation monitoring organization structure, responsibility, and lines of authority;

Section 3.0 describes the Annual & Field planning procedures;

Section 4.0 describes the methods of contracting monitoring and/or corrective actions, authorization for such work, and certification of completion of same;

Section 5.0 describes the reporting of monitoring activities and required frequency;

Section 6.0 describes the financial resources for the monitoring program, reporting of expenditures, fund status, purchasing and contracting procurement procedures;

Section 7.0 describes any administrative controls between the POL and subcontractors and any contingency plans to address unforeseen situations;

Section 8.0 identifies all project plans, documents, records, and reference materials for the monitoring program;

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2.0 MONITORING MANAGEMENT STRUCTURE

2.1 Managerial Organization

The post-reclamation monitoring will be managed by the Pueblo of Laguna (POL) with the Bureau of Indian Affairs (BIA) or their designated Federal authority providing monitoring oversight. The POL activities may be coordinated by either a Reclamation Technician reporting the Office of the Governor of the POL or thru a contractor reporting to the Office of the Governor. Any legal counsel will be provided by the POL. Management of reclamation funds will be provided by the POL thru the Tribal Treasurer's Office. The POL may contract with a fund manager for assistance, at their discretion. The BIA oversight will be coordinated by the Contracting Officer's Representative (COR) at the Laguna Agency and all reporting by the POL will be thru the Agency with copies to the Contracting Officer (CO) in the Albuquerque Area Office. Copies of reports will also be supplied to the BIA-Environmental Chief in Washington, DC. Technical and managerial personnel from the BIA and Bureau of Land Management (BLM) will support the COR at the Laguna Agency. The POL may, at its discretion, request technical assistance from the BIA and BLM for consultation and data analysis.

The POL has the option of contracting with the Laguna Construction Company, Inc. or another contractor capable of performing the tasks outlined in the next Section. The contractor must be approved by the BIA as demonstrating the technical capabilities to perform the required tasks.

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2.2 Responsibilities

The responsibilities of the post-reclamation participants are listed in Table 2.1. In general, the POL will be responsible for monitoring, reporting, planning, fund availability, and any contract management. The POL will approve all plans, budgets and submit to BIA for review and approval.

TABLE 2.1

Jackpile Project--Post-Reclamation Responsibilities

TASK	POL	BIA	SUB-CONTRACTOR
Annual Plan	Prepare	Approve	Perform
Environmental Monitoring	Perform/Verify	Review/Verify	Perform
Regulatory Compliance	Perform/Verify	Review/Verify	Perform
Fund Management	Perform	Review/Approve	
Corrective Action	Prepare	Verify/Approve	Perform
Reporting	Prepare	Review	
Change Orders	Prepare	Review/Approve	Perform
Contractor Invoices	Verify/Approve		Perform
Data Analysis	Perform	Perform	Perform
Health & Safety	Perform/Verify	Review/Verify	Perform
Project Records Management	Perform		
Release of unused Reclamation Funds for use by POL	Perform	Approve	
Release of site areas for other uses	Perform	Approve	

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2.3 Authority

The performance of key aspects of the post-reclamation monitoring must be restricted to the appropriate level of management. Therefore, only approvals by the following personnel or their duly authorized representatives will be considered valid.

- 1) Approved plans, corrective actions, finances, change orders, release of unused funds, contractor invoices, and release of site for other uses:
 - Governor as authorized by Tribal Council, POL;
 - Contracting Officer, BIA
- 2) Accept reports on environmental monitoring & regulatory compliance, financial status, corrective actions taken, data analysis/conclusions, health & safety compliance, or other submittals as deemed necessary:
 - Governor as authorized by Tribal Council, POL;
 - Contracting Officer, BIA thru COR, Laguna Agency;
- 3) Approve and issue a field or engineering change order which is less than \$50,000;
 - Reclamation Technician or subcontract designee;
- 4) Approve and issue a field or engineering change order which is greater than \$50,000;
 - Governor as authorized by Tribal Council, POL;
 - Contracting Officer, BIA;

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All participants in the post-reclamation activities recognize that the primary goal is to insure compliance with the Record of Decision requirements and that the Pueblo of Laguna has assumed responsibility for the management of the Project, both actual reclamation work as well as the long-term monitoring. The POL will maintain project management responsibility and will reserve the right to subcontract any functions, should such actions be advantageous. The POL may contract with the BIA or other agencies which may be able to provide technical or other assistance.

The BIA will continue to provide oversight either directly thru its Agency and Area Office personnel or enlist the aid of other Federal Agencies to provide review and other technical assistance.

Release of any information regarding the Project is prohibited without written consent from the Governor, Pueblo of Laguna.

Upon demonstrated compliance with the "release criteria" adopted for the Project, the POL can request release of any remaining reclamation funds for other POL purposes as directed by Tribal Council.

3.0 PLANNING

3.1 Annual Planning Requirements

Annual planning will consist of a written document to be submitted to the POL-Council and will follow the planning/submittal time schedule outlined in the Project Management Plan (Page 3.0-3, revised, September, 1991). The plan will include (but not be limited to) a schedule and estimated costs for:

- Environmental Monitoring
- Regulatory Compliance
- Remedial/Corrective Action Work Packages
- Cash Requirements
- Special Conditions/Changes (if any)
- Applicable design documents
- Potential contingency plans
- Other relevant information.

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The Annual Plan will be prepared by the Reclamation Technician and/or the subcontracting entity secured by the POL to manage the post-reclamation monitoring.

3.2 Field Re-planning

When unexpected field conditions are encountered, an adjustment to the project plans must be made to prevent damage or the need for extensive repairs. Timing of such work can be critical and would not require revision of the Annual Plan.

The Reclamation Technician or the Contractor may make "minor" changes as deemed necessary up to an amount of <\$50,000. Any work over the \$50,000 will be approved by POL-Council and the BIA Contracting Officer. Since time may be of the essence, lack of BIA approval within five (5) working days will constitute automatic approval.

4.0 WORK MANAGEMENT

4.1 Authorization & Performance for Contractors

Work is authorized for a project year by the POL-Council and approval by BIA. Work authorization will follow the same procedures as outlined in the aforementioned Project Management Plan (revised September, 1991.) Work will be authorized and accepted by the POL and any subcontractors, respectively and will be done in writing.

4.2 Completion & Certification

Work will be inspected and certified either by the Reclamation Technician or the contractor. Completion and formal "closeout" will follow Project practices already established. Closed out work will be submitted by the POL-Governor's Office to the BIA Contracting Officer for documentation. All work must comply with existing Inspection Plans and Specification in effect at the time the work is performed.

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5.0 POST-RECLAMATION STATUS REPORTING

5.1 Reporting Frequency

An annual report will be prepared by the POL for submittal to BIA within thirty (30) days of the completion of the monitoring year.

5.2 Report Content

The report will include (but not necessarily be limited to) the following:

- Narrative Description of Work Completed;
- Environmental & Regulatory Compliance Status;
- Corrective Action Taken; Change Orders Issued
- Results/Reports of Data Analysis (if any);
- Special Situations/Condition Encountered;
- Cost/Expenditures Summary
- Release of Areas for Other Uses;
- Other Relevant Information

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5.3 Cost Summaries/Disbursements

As a part of the Annual Report, detailed cost summaries will include the following:

- Expenditures for environmental monitoring, regulatory compliance, contractual services, construction services, legal fees, management costs, change order expenditures, and any other long-term costs;
- Cash Flow Summary (incomes and outflows);
- Status of Remaining Reclamation Funds;

5.4 Phase-Out of Reporting Requirements

The need and frequency of certain reporting functions/requirements may be periodically reviewed by the POL. These requirements may be phased out if mutually agreed upon with the BIA Contracting Officer after adequate demonstration that the goals and objectives of the monitoring function are met.

6.0 FINANCIAL SURETY/FUND SOURCES & MANAGEMENT

6.1 Reclamation Funds

Remaining reclamation funds after construction activities are to be the only source of Tribal funding of the monitoring effort. If funds are adequate at the end of the earthmoving and revegetation activities, amounts of \$2,000,000 for ground water mitigation and \$500,000 for monitoring costs are to be set aside from the Reclamation Fund. (See Page 24, Cooperative Agreement-Contract No. MOOC14204811 between the Bureau of Indian Affairs and the Pueblo of Laguna). The ground water mitigation is a contingency fund should ground water recharge levels cause ponding above the originally-estimated elevations and require additional backfill. The \$2.5 million will be placed in an escrow account at a conservative return on investment rate to protect the capital amount. Periodic interest payments on this amount will provide initial funding for the operational costs of the monitoring. If any funds in excess of the required \$2.5 million are available, they can be released to the POL for other uses as deemed appropriate by the POL-Council. If, after the ten-year monitoring period no situations arise requiring corrective action, the remaining funds will be released to the POL for use as deemed appropriate.

6.2 Accounting Procedures

The POL and its contractors are responsible for maintaining financial records in a professional and accurate manner so the records can be effectively audited by independent accountants utilizing generally accepted auditing standards and procedures. All financial records will be consistent with the financial data submitted in the Annual reports. Disagreements between project participants concerning financial issues will be submitted for arbitration.

6.3 Procurement

Procurement procedures will be the same as those identified in Section 7, pp 7.0-3 and 4 of the Project Management Plan with the following change: substitute "LCC" with "LCC or other subcontractor".

6.4 Change Orders

The POL will maintain a log of all change orders to include the amounts and a description of the need for the change.

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7.0 ADMINISTRATIVE CONTROLS

7.1 Administrative Controls

Since the POL has assumed full responsibility for the long-term monitoring, all activities will be administered by the POL through either the Reclamation Technician or a competent subcontractor capable of performing the aforementioned tasks.

7.2 Contingency Identification

The Pueblo of Laguna will inform the BIA in a timely manner of any changes or conditions which may arise causing an alteration of the procedures identified in this document. Full compliance with this Plan would be contingent upon:

- Adequate funds at the end of construction activity;
- Success of initial seeding attempts;
- Rapidity & level of ground water recovery;
- Changes in environmental regulations out of the control of the POL they as would apply to the Jackpile Project site; ↩↪
- other factors not identifiable at this time (1991);

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8.0 PROJECT PLANS/REFERENCE DOCUMENTS

8.1 Soils & Vegetation Evaluation for Final Reclamation (1991)

This documents seed mixtures, seeding techniques, soil sampling, interseeding techniques, vegetation survey techniques, sampling frequency, and release criteria.

8.2 Environmental Monitoring Plan (1989)

Water, air, radiological, and other environmental programs put into place in late 1989. Describes frequency and other details of environmental data gathering.

8.3 Regulatory Compliance Plan (1989)

Identifies any existing or potential regulatory permits required because of reclamation activities at the time of implementation (late 1989). Continued compliance contingency upon any unforeseen future changes.

8.4 Health & Safety Plan (1989)

Procedures adopted for reclamation work which should still be followed during the monitoring period to protect any technicians and subcontractors on the site. Specific items can be deleted as deemed necessary by the POL if they no longer apply during the monitoring period.

8.5 Other Project Documents

The following lists other design and historical documents that were developed for the Project or to record the construction activities and are available in either hard copy form or are on personal computer discs.

- Construction Inspection Plan
- Final Waste Pile Slope Designs
- Project Management Plans-prior to 1991
- Special Case Designs-Weston Engineering
- Jacobs Engineering Group-Engineering Designs
Volumes 1 thru 11
- Jacobs Engineering Group-Design Drawings
Jackpile, North Paguate, South Paguate,
and General Drawings
- Construction Specifications
- Monthly Project Status Report
(beginning August, 1989)
- Reclamation Project Manager (RPM)
Monthly Report Executive Summary
- RPM Weekly Update to POL Governor's Office
- RPM Weekly Suspense Log to POL Governor's Office
- Annual Operating Plans
- Quarterly Financial Reports
- Quarterly Environmental Monitoring & Regulatory
Compliance Reports
- Work Package Closeout Documentation

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8.5 Other Project Documents cont'd

- Reclamation Technician-Inspection Documents
- Gamma Radiation Measurements-Log
- RGM-2 Radon Measurement-Log
- As-Built Drawings from Laguna Construction Co.
- Weekly Safety Meeting Logs-Laguna Construction Co.
- Other RPM and Reclamation Technician files contained in
Microsoft Word 5.0
- Other Project Files contained in Lotus 1-2-3
- Cooperative Agreement pursuant to 638 Contract
between POL & BIA;
- Modification #1, #2, & #3 to the Cooperative
Agreement;
- Monthly Progress Photos-35 mm color slides since
November, 1989 to end of Project;

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JACKPILE RECLAMATION PROJECT

Post-Reclamation Long-Term Monitoring Program

APPROVED BY:

Governor, Pueblo of Laguna

Contracting Officer
Bureau of Indian Affairs

DATE: _____

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FILE: LONGTERM.DOC